

Nondiscrimination Policy & Notice of Nondiscrimination (34 C.F.R. § 106.8(b)—(c))

Nondiscrimination Policy

KIPP KC does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX, including in admission and employment.

Notice of Nondiscrimination Policy

KIPP KC does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX and its regulations, including in admission and employment.

Inquiries about Title IX may be referred to KIPP KC Title IX Coordinator, the U.S. Department of Education's Office for Civil Rights <https://ocrportal.hhs.gov/ocr/smartscreen/main.jsf>, or both. KIPP KC Title IX Coordinator is Head of Talent, 2700 E. 18th Street, jcook@kippkc.org, and 3164093102

KIPP KC'S nondiscrimination policy and grievance procedures can be located at www.kippkc.org or otherwise in the Regional Office located at 2700 E. 18th Street, Kansas City, MO 64127.

To report information about conduct that may constitute sex discrimination or make a complaint of sex discrimination under Title IX, please refer to the link included on website or at the Regional Office.

The 2024 amendments require each recipient to prominently include all elements of its notice of nondiscrimination on its website and in each handbook, catalog, announcement, bulletin, and application form that it makes available to people entitled to notice, or which are otherwise used in connection with the recruitment of students or employees.

Notice of Nondiscrimination

KIPP KC prohibits sex discrimination in any education program or activity that it operates. Individuals may report concerns or questions to the Title IX Coordinator. The notice of nondiscrimination is located at www.kippkc.org.

Grievance Procedures for Complaints of Sex Discrimination

KIPP KC has adopted grievance procedures that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in its education program or activity, or by the Title IX Coordinator, alleging any action that would be prohibited by Title IX or the Title IX regulations.

Complaints:

The following people have a right to make a complaint of sex discrimination, including complaints of sex-based harassment, requesting that KIPP KC investigate and make a determination about alleged discrimination under Title IX:

- A "complainant," which includes:
 - a student or employee of KIPP KC who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or
 - a person other than a student or employee of KIPP KC who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in KIPP KC'S education program or activity;
- A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; or
- KIPP KC'S Title IX Coordinator.

Note: A person is entitled to make a complaint of sex-based harassment only if they themselves are alleged to have been subjected to the sex-based harassment, if they have a legal right to act on behalf of such person, or if the Title IX Coordinator initiates a complaint consistent with the requirements of 34 C.F.R. § 106.44(f)(1)(v).

With respect to complaints of sex discrimination other than sex-based harassment, in addition to the people listed above, the following persons have a right to make a complaint:

- Any student or employee KIPP KC; or
- Any person other than a student or employee who was participating or attempting to participate in KIPP KC'S education program or activity at the time of the alleged sex discrimination.

KIPP KC may consolidate complaints of sex discrimination against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances. When more than one complainant or more than one respondent is involved, references below to a party, complainant, or respondent include the plural, as applicable.

Title IX Grievance Procedures:

KIPP KC will treat complainants and respondents equitably.

KIPP KC requires that any Title IX Coordinator, investigator, or decisionmaker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. A decisionmaker may be the same person as the Title IX Coordinator or investigator.

KIPP KC presumes that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of its grievance procedures.

KIPP KC has established the following timeframes for the major stages of the grievance procedures:

- Initial evaluation may take up to 14 calendar days
- Investigation may take up to 30 calendar days
- The determination may take up to 21 calendar days
- An appeal of the determination may take up to 45 calendar days

KIPP KC has also established the following process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause with notice to the parties that includes the reason for the delay, which may include considerations such as the absence of a Party, a Party's Advisor or a witness concurrent law enforcement activity or the need for language assistance or accommodation of disabilities.

KIPP KC will take reasonable steps to protect the privacy of the parties and witnesses during its grievance procedures. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures. The parties cannot engage in retaliation, including against witnesses.

KIPP KC will objectively evaluate all evidence that is relevant and not otherwise impermissible—including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

The following types of evidence, and questions seeking that evidence, are impermissible (*i.e.*, will not be accessed or considered, except by KIPP KC to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

- Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of

treatment to the party or witness, unless KIPP KC obtains that party's or witness's voluntary, written consent for use in its grievance procedures; and

- Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

Notice of Allegations

Upon initiation of KIPP KC'S Title IX grievance procedures, KIPP KC will notify the parties of the following:

- KIPP KC'S Title IX grievance procedures and any informal resolution process;
- Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex discrimination, and the date(s) and location(s) of the alleged incident(s);
- Retaliation is prohibited; and
- The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of this evidence. In the event KIPP KC provides a description of the evidence: The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party.

If, in the course of an investigation, KIPP KC decides to investigate additional allegations of sex discrimination by the respondent toward the complainant that are not included in the notice provided or that are included in a complaint that is consolidated, KIPP KC will notify the parties of the additional allegations.

Dismissal of a Complaint:

KIPP KC may dismiss a complaint of sex discrimination if:

- KIPP KC is unable to identify the respondent after taking reasonable steps to do so;

- The respondent is not participating in KIPP KC'S education program or activity and is not employed by KIPP KC;
- The complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and KIPP KC determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX even if proven; or
- KIPP KC determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the complaint, KIPP KC will make reasonable efforts to clarify the allegations with the complainant.

Upon dismissal, KIPP KC will promptly notify the complainant of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then KIPP KC will also notify the respondent of the dismissal and the basis for the dismissal promptly following notification to the complainant, or simultaneously if notification is in writing.

KIPP KC will notify the complainant that a dismissal may be appealed and will provide the complainant with an opportunity to appeal the dismissal of a complaint. If the dismissal occurs after the respondent has been notified of the allegations, then KIPP KC will also notify the respondent that the dismissal may be appealed. Dismissals may be appealed on the following bases:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the dismissal was made; and
- The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

If the dismissal is appealed, KIPP KC will:

- Notify the parties of any appeal, including notice of the allegations, if notice was not previously provided to the respondent;
- Implement appeal procedures equally for the parties;
- Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
- Ensure that the decisionmaker for the appeal has been trained consistent with the Title IX regulations;

- Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- Notify the parties of the result of the appeal and the rationale for the result.

When a complaint is dismissed, KIPP KC will, at a minimum:

- Offer supportive measures to the complainant as appropriate;
- If the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and
- Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within KIPP KC'S education program or activity.

Investigation

KIPP KC will provide for adequate, reliable, and impartial investigation of complaints.

The burden is on KIPP KC—not on the parties—to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred.

KIPP KC will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible.

KIPP KC will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.

KIPP KC will provide each party with an equal opportunity to access the evidence that is relevant to the allegations of sex discrimination and not otherwise impermissible, in the following manner:

- KIPP KC will provide an equal opportunity to access either the relevant and not otherwise impermissible evidence, or an accurate description of this evidence. In the event KIPP KC provides a description of the evidence: The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party.
- KIPP KC will provide a reasonable opportunity to respond to the evidence or the accurate description of the evidence; and
- KIPP KC will take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures. Disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the complaint of sex discrimination are authorized.

Questioning the Parties and Witnesses

KIPP KC will provide a process that enables the decisionmaker to question parties and witnesses to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex discrimination.

In the Title IX investigation process, individuals bringing forward allegations are referred to as Complainants, and individuals responding to allegations are referred to as Respondents. Sometimes Complainants and Respondents are referred to individually as “a party” or jointly as “the parties.” Individuals who have direct experience with or knowledge of events, issues or circumstances related to the investigation, or who Complainants or Respondents want the investigator to speak with, are referred to as witnesses.

The Role of the Investigator

The investigator is charged with gathering information (fact gathering) and determining what occurred (fact finding). The investigator will gather information and evidence, determine which of the information and evidence is relevant to the allegations, conduct an analysis of the relevant information, and make findings of fact. The investigator KIPP KC assigns to conduct the investigation, whether an internal or external investigator, does not act as an advocate, provide advice to KIPP KC with respect to what actions, if any, should be taken as a result of findings, represent KIPP KC in a legal action or proceeding, and does not provide any legal advice to KIPP KC related to the investigation process.

Interviewing with the Investigator

When a witness meets with the investigator, the investigator will ask the witness questions related to the allegations and may ask if the witness has any information to submit (e.g., documents, texts, emails, images, etc.) for the investigator to review and consider. In some cases, the investigator may ask to interview a witness more than once if additional information becomes available since the previous interview with the witness and/or to follow up with a witness to clarify information or previous statements.

It is important to note that while the investigator may ask a witness questions about what a witness may know or have observed, the investigator will only share with a witness information about the investigation, including the specifics related to an allegation, if the investigator determines it is necessary to do so to further information gathering or to seek clarification of information already gathered. In order to protect the privacy of all those involved, as well as the integrity of the investigation, the investigator is not otherwise obligated to share with a witness any information related to the investigation.

Notes and Recordings

The investigator will take notes during the interview. However, interviews with the investigator are not recorded, and no recording is permitted by anyone participating in the investigation

process, including complainants, respondents, witnesses, and advisors. KIPP KC students or employees who do record any portion of the investigation process may be subject to discipline or other actions as appropriate. KIPP KC reserves the right to pursue available options and remedies if individuals not affiliated with KIPP KC record any portion of the investigation without consent.

What Happens to the Information Witnesses Share with the Investigator

When witnesses share information with the investigator, they are participating in the fact-gathering portion of the investigation process.

Privacy for Witnesses and the Rights of Complainants and Respondents

KIPP KC protects the privacy of individuals who participate in the investigation process, including witnesses. This means that information about witnesses, including their identity and what information they share with the investigator is shared only with those individuals involved in the investigation and resolution of a complaint who have a need to know in order to fulfill a responsibility in the investigation and complaint resolution process. However, KIPP KC cannot and does not guarantee confidentiality or anonymity to anyone participating in the investigation process, including complainants and respondents.

To ensure fairness, the investigation process provides rights to both complainants and respondents to: a) know the allegations the investigation is seeking to resolve (the scope of the investigator's inquiry); and, b) be offered a meaningful opportunity to respond to the information gathered during the investigation that will be used to analyze and determine whether KIPP KC'S policy has been violated, and whether any action will be taken by KIPP KC against a respondent. As a result, in most cases, both the complainant and respondent will have knowledge of the information a witness shares with the investigator including the identity of the witness who shared the information.

Additionally, in order to conduct a thorough investigation, there may be times during the investigation when the investigator may be required to share information provided by one witness with other witnesses in order to facilitate the fact-gathering portion of the investigation.

Determination Whether Sex Discrimination Occurred

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, KIPP KC will:

- Use the preponderance of the evidence standard of proof to determine whether sex discrimination occurred. The standard of proof requires the decisionmaker to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the decisionmaker is not persuaded under the applicable standard by the evidence that sex discrimination occurred, whatever the quantity of the evidence is, the decisionmaker will not determine that sex discrimination occurred.

- Notify the parties in writing of the determination whether sex discrimination occurred under Title IX including the rationale for such determination, and the procedures and permissible bases for the complainant and respondent to appeal, if applicable;
- Not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the grievance procedures that the respondent engaged in prohibited sex discrimination.
- If there is a determination that sex discrimination occurred, the Title IX Coordinator will, as appropriate:
 - Coordinate the provision and implementation of remedies to a complainant and other people KIPP KC identifies as having had equal access to KIPP KC'S education program or activity limited or denied by sex discrimination;
 - Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions; and
 - Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within KIPP KC'S education program or activity.
- Comply with the grievance procedures before the imposition of any disciplinary sanctions against a respondent; and
- Not discipline a party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.

Appeal of Determinations

KIPP KC offers the following process for appeals from a determination whether sex discrimination occurred. This appeal process will be, at a minimum, the same as KIPP KC offers in all other comparable proceedings, including proceedings relating to other discrimination complaints.

Informal Resolution

In lieu of resolving a complaint through KIPP KC'S Title IX grievance procedures, the parties may instead elect to participate in an informal resolution process. KIPP KC does not offer informal resolution to resolve a complaint that includes allegations that an employee engaged in sex-based harassment of an elementary school or secondary school student, or when such a process would conflict with Federal, State, or local law.

Supportive Measures

KIPP KC will offer and coordinate supportive measures as appropriate for the complainant and/or respondent to restore or preserve that person's access to KIPP KC'S education program or activity or provide support during KIPP KC Title IX grievance procedures or during the informal resolution process.¹⁶ For complaints of sex-based harassment, these supportive measures may include

Supportive measures are intended to restore or preserve equal access to KIPP KC'S education programs and activities, including work environments, without burdening the other party. These measures may help individuals access KIPP KC'S environments safely or may be designed to deter any sex- or gender-based violence, harassment, or discrimination. Supportive measures may be available regardless of whether a complaint is filed, or an investigation is requested.

Supportive measures may include:

- modifications or extensions of course-related deadlines
- changes in class schedules
- changes in work locations
- leaves of absence
- mutual restrictions on communication between two parties.

These services are offered when appropriate and reasonable. They are available to any individual who has experienced or is alleged to have engaged in behavior that may be considered sex- or gender-based violence, harassment, or discrimination.

If you have experienced sex- or gender-based violence or harassment the Title IX Coordinator can provide information and assist with supportive measures.

Mutual No Communication Directives (MNCDs)

Mutual No Communication Directives (MNCDs) are one type of supportive measure that may be requested. MNCDs are intended to prevent two people from communicating with one another and are not intended to be disciplinary, punitive, or prevent anyone from accessing their educational or workplace environments.

Disciplinary Sanctions and Remedies:

Following a determination that sex-based harassment occurred, KIPP KC may impose disciplinary sanctions and/or remedies as set forth in KIPP KC'S Handbook.

Appendix: Definitions (34 C.F.R. §106.2)

Section 106.2 of the 2024 amendments includes a number of definitions. When those defined terms are used in this Resource, they have the meaning set forth in § 106.2. The 2024 amendments do not require a recipient to incorporate these definitions into their policies or grievance procedures, but we include key definitions below that may inform a recipient's development of grievance procedures:

Complainant means:

- (1) A student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations; or
- (2) A person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations and who was participating or attempting to participate in the recipient's education program or activity at the time of the alleged sex discrimination.

Complaint means an oral or written request to the recipient that objectively can be understood as a request for the recipient to investigate and make a determination about alleged discrimination under Title IX or its regulations.

Disciplinary sanctions means consequences imposed on a respondent following a determination under Title IX that the respondent violated the recipient's prohibition on sex discrimination.

Party means a complainant or respondent.

Relevant means related to the allegations of sex discrimination under investigation as part of these grievance procedures. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination occurred.

Remedies means measures provided, as appropriate, to a complainant or any other person the recipient identifies as having had their equal access to the recipient's education program or activity limited or denied by sex discrimination. These measures are provided to restore or preserve that person's access to the recipient's education program or activity after a recipient determines that sex discrimination occurred.

Respondent means a person who is alleged to have violated the recipient's prohibition on sex discrimination.

Retaliation means intimidation, threats, coercion, or discrimination against any person by the recipient, a student, or an employee or other person authorized by the recipient to provide aid, benefit, or service under the recipient's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX or its regulations, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under the Title IX regulations.

Sex-based harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity, that is:

- (1) *Quid pro quo harassment*. An employee, agent, or other person authorized by the recipient to provide an aid, benefit, or service under the recipient's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct;
- (2) *Hostile environment harassment*. Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the recipient's education program or activity (*i.e.*, creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:
 - (i) The degree to which the conduct affected the complainant's ability to access the recipient's education program or activity;
 - (ii) The type, frequency, and duration of the conduct;

- (iii) The parties' ages, roles within the recipient's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
- (iv) The location of the conduct and the context in which the conduct occurred; and
- (v) Other sex-based harassment in the recipient's education program or activity; or

(3) Specific offenses.

(i) Sexual assault meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;

(ii) Dating violence meaning violence committed by a person:

(A) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and

(B) Where the existence of such a relationship shall be determined based on a consideration of the following factors:

- (1) The length of the relationship;
- (2) The type of relationship; and
- (3) The frequency of interaction between the persons involved in the relationship;

(iii) Domestic violence meaning felony or misdemeanor crimes committed by a person who:

(A) Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of the recipient, or a person similarly situated to a spouse of the victim;

(B) Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;

(C) Shares a child in common with the victim; or

(D) Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction; or

(iv) Stalking meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- (A) Fear for the person's safety or the safety of others; or
- (B) Suffer substantial emotional distress.

Supportive measures means individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the complainant or respondent to:

- (1) Restore or preserve that party's access to the recipient's education program or activity, including measures that are designed to protect the safety of the parties or the recipient's educational environment; or
- (2) Provide support during the recipient's grievance procedures or during an informal resolution process.